

REMARKS

Claims 1-15 remain pending in this application. Claims 1-15 are rejected. Claims 1-3, 6-10, 14 and 15 are amended herein to clarify the invention, to express the invention in alternative wording, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims cited in the above-referenced Office Action.

The Office Action states that the specification is objected to for including cites to claims and for various other noted informalities. In addition, the Office Action requests cooperation in correcting errors in the specification. The specification is amended to remove cites to claims and to correct various typographical, grammatical and idiomatic informalities including those noted in the Office Action. Section headings are also added. No new matter is added. Withdrawal of the objection is respectfully solicited.

Claim 6 is rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of an informality stated in the Office Action. Applicant respectfully traverses this rejection. Applicant directs the Examiner's attention to the preliminary amendment filed April 11, 2005 which modified the claims, and as reflected in the claims of the published application of January 12, 2006. In

particular, the use of the term “general” has been cancelled. Therefore, reconsideration of the rejection of the claim and its allowance are earnestly requested.

Claim 4 is rejected under 35 U.S.C. §102(b) as being anticipated by the Bantaculo reference (US 5,560,391). In addition, claim 5 is rejected under 35 U.S.C. §102(b) as being anticipated by the Nelson reference (US 4,813,627). Applicant herein respectfully traverses these rejections. “Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” ***Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.***, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Both claims 4 and 5 depend from claim 3, and therefore necessarily include all limitations of the parent claim 3. The claim recites a “a restrictive part for preventing said hose from escaping extending on the guide part in a direction crossing a moving direction of said hose, said restrictive part being formed in an arc shape.” No such structural arc shaped configuration is taught or suggested in either Bantaculo or Nelson. Indeed the Examiner has failed to identify any structure which could be construed as a restrictive part formed in an arc shape in making these rejections. Moreover, it would appear that the Examiner has improperly not even considered the subject matter of parent claim 3 at all in basing these rejections, since

claim 3 is not similarly rejected as being anticipated by the same references applied to claims 4 and 5.

In view of the above, it is respectfully submitted that claims 4 and 5 particularly describe and distinctly claim elements not disclosed in the respective cited reference. Therefore, reconsideration of the rejections of claims 4 and 5 and their allowance are respectfully requested.

Claims 10-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by the Whitehead et al. reference (US 6,050,291). Applicant herein respectfully traverses this rejection.

Independent claim 10 recites that “an inlet/outlet for the hose disposed in a position in said frame opposite a winding position between the two collars of said drum, and the inlet/outlet being of a width not greater than a distance from one of said two collars of said drum to an other of said two collars.” It is respectfully submitted that Whitehead et al. fails to disclose such claimed feature in the written description, and the Examiner has provided no citation to any portion thereof in support of his position. Additionally, claim 10 is amended to include a further recitation which clarifies the disclosed benefit of such provision, which states that “a width extent of said inlet/outlet is maintained positionally between said two collars.”

As disclosed in the present specification, such feature reliably provides that “the hose accommodated into the frame via the inlet/outlet is guided to the position between the two collars of the drum.” The disclosure of Whitehead is devoid of such

claimed feature, and in fact, in contrast, Figs. 5 and 6 show that the opening 54 is not “maintained positionally between” the flanges 18, but is rather offset with respect thereto such that a left side of the opening extends past the left flange 18.

In view of the above, it is respectfully submitted that claims 10 and 11 (dependent from claim 10, and therefor also including this limitation lacking in Whitehead et al.) particularly describe and distinctly claim elements not disclosed in the respective cited reference. Therefore, reconsideration of the rejections of claims 10 and 11 and their allowance are respectfully requested.

Claims 1-2, 12 and 14 are rejected under 35 U.S.C. §103(a) as obvious over the Whitehead et al. reference in view of the Smith reference (US 2,219,201). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

Regarding claims 1 and 2, applicant respectfully submits that the secondary Smith reference does not in fact disclose what it is being purported to by the Examiner. Fig. 3 of Smith is a cross-sectional view taken through line 3-3 in Fig. 2, and merely shows the gear arrangement with the cover 38 shown as the egg-shaped outline with screw flange (see col. 1, lines 40-44) as a border thereof. This is therefore unquestionably a view from a side of the reel. The hose is at no time guided by any of this depicted structure, as it never comes in contact with these gears which are fully enclosed in the housing by the cover, and therefore, this element

cannot be characterized as a guide part as claimed. In fact, the “opening (32) being referred to by the Examiner is actually a spring 32 in the gear arrangement (see col. 3 (first column on page 2), lines 4-11).

Regarding claims 12 and 14 (each which depends from claim 10 or 11), applicant respectfully submits that the Smith reference fails to provide what is missing from the primary Whitehead et al. reference, discussed above with respect to the anticipation rejection of parent claims 10 and 11. Furthermore, neither reference defines the inlet/outlet as becoming “smaller toward an upper part” (claim 12) or as being configured in “an arc shape.” Therefore, a *prima facie* case of obviousness cannot be properly established.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 1-2, 12 and 14 and their allowance are respectfully requested.

Claim 8 is rejected under 35 U.S.C. §103(a) as obvious over the Whitehead reference in view of the Bantaculo reference. The applicant herein respectfully traverses this rejection.

Claim 8 is amended to qualify “said hose being free of contact with rotational structure at a circumferential location of said hose opposed to a support location of said hose by said rotational member.” This is supported, for example, by the illustration of Fig. 10 and the accompanying description in the specification, in which a single roller is depicted on which the hose is restingly received. In this example,

no support opposite to such support is shown, for example, in the form of an upper roller.

Thus, while Bantaculo shows a pair of opposed rollers (Fig. 3), the rollers guide both the upper and lower surface contact points of the hose. This is contrary to the language of claim 8 as amended.

Therefore, it is respectfully submitted that the rejected claim is not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejection of the claim 8 and its allowance are respectfully requested.

Claims 3, 6-7, 13 and 15 are rejected under 35 U.S.C. §103(a) as obvious over the Whitehead reference in view of the Smith reference (US 2,219,201) and the Fritsch reference (US 3,776,262). The applicant herein respectfully traverses this rejection.

With regard to claims 3 and 13, and as already addressed above in greater detail, applicant respectfully submits that the Examiner is in error about Smith's alleged teaching regarding the claimed feature of a "restrictive part being formed in an arc shape."

Regarding claims 6 and 7, it is respectfully submitted that neither Frisch nor any of the other cited references teaches a guide part with a thick part or an opening having an arc shape protruding toward a center of the opening. Rather, the curved protruding part is directed forwardly, and could not, therefore, provide the guiding advantages attendant the claimed configuration.

Finally, regarding claim 15, the claimed dimensions, as described in the specification, “facilitates winding of the hose and can make the hose reel difficult to fall down.” As such, the claimed feature cannot simply be dismissed as a matter of design choice, as providing specific and disclosed advantage. In this regard, the Court of Appeals of the Federal Circuit has stated that the finding of “obvious design choice” is precluded where the claimed structure and the function it performs or functioning thereof are different from the prior art. *In re Chu*, 36 USPQ2d 1089 (Fed. Cir. 1995); See *In re Gal*, 980 F.2d 717, 25 USPQ2d 1076 (Fed. Cir. 1992).

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 3, 6-7, 13 and 15 and their allowance are respectfully requested.

Claim 9, based upon its various dependencies from claims 1-8, is rejected under 35 U.S.C. §103(a) as obvious over different respective combinations of the Whitehead reference, the Smith reference, the Frisch reference, the Bantaculo reference, the Nelson reference (US 4,813,627) and the Hamrick reference (US 3,520,725). The applicant herein respectfully traverses these rejections.

It is respectfully submitted that Hamrick fails to add what is missing in the other references already discussed above, and therefore a *prima facie* case of obviousness has not been established.

Furthermore, claim 9 is amended herein to clarify the meaning of a “rugged” structure as disclosed. Applicant respectfully submits that the claimed structure

added by the recitations of claim 9 is not taught or suggested by Hamrick, and therefore the rejected claim 9 based on all its dependencies is not made obvious by any of the proffered combinations.


Reconsideration of the rejection of claims 9/1-9/8 and their allowance are respectfully requested.

Applicant respectfully requests three (3) month extension of time for responding to the Office Action. Please charge the fee of \$1050 for the extension of time to Deposit Account No. 10-1250.


The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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